UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 3 1 2008

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jean L. Phaneuf
Agent for PCS Nitrogen and
Site Director for INEOS USA LLC
PCS Nitrogen Ohio, L.P. and
INEOS USA LLC
1900 Fort Amanda Road
P.O. Box 628
Lima, Ohio 45802-0628

Dear Mr. Phaneuf:

This is to advise you that the U.S. Environmental Protection Agency has determined PCS Nitrogen Ohio, L.P. and INEOS USA LLC, as a nitric acid plant #2 operator, (PCS or you) are in violation of the Clean Air Act (CAA) and associated state and local pollution control requirements. The violations occurred at PCS's nitric acid plant #2 located at 1900 Fort Amanda Road, Lima, Ohio. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. Ohio's State Implementation Plan (Ohio SIP) includes authority for the State Director to establish limits on the quantity of nitrogen oxides (NO_X) which can be emitted from a facility. NO_X limits and additional terms and conditions required by the State Director are incorporated into the PCS's Permit to Install number 03-5319 as well as its Title V permit 03-02-02-0015. The purpose of establishing NO_X emission limits is to help reduce acid rain, ground level ozone and help protect the public from exposures which could aggravate cardiovascular disease. NO_X emissions contribute to the formation of acid rain and ground level ozone, which can cause respiratory inflammation.

The CAA also requires EPA to develop national standards for new sources or air pollution. These standards are codified in the Code of Federal Regulations (C.F.R.) at 40 C.F.R. Part 60. 40 C.F.R. Part 60 includes a Standard of Performance for Nitric Acid Plants codified at 40 C.F.R. § 60.70 et. seq. This standard includes limitations on the

quantity of NO_X which can be emitted from affected facilities. It further includes requirements to monitor the quantity of NO_X emitted from affected facilities using a NO_X continuous emissions monitoring system (NO_X CEMS) and requires facilities to report those emissions to EPA. The General Provisions of 40 C.F.R. Part 60 have additional requirements which must be met by sources subject to national standards for new sources including: operation of affected sources and pollution control devices in a manner consistent with good air pollution control practices for minimizing emissions; continuous operation of all CEMS except for [monitor] system breakdowns, repairs, calibration checks, and zero and span adjustments; and the requirement to report all periods where emissions exceed limits established in applicable regulations including those which occur during start-up, shut-down and/or malfunction of affected facilities.

EPA finds PCS violated the Ohio SIP by exceeding NO_X limits incorporated into its Title V permit number 03-02-02-0015 and Permit to Install 03-5319. Since PCS violated its Title V permit, it also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits. Additionally, in violating the Ohio SIP requirements and Permit to Install 03-5319, PCS violated Title I, Section 110 of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP and permits to install.

EPA also finds PCS violated the Standards of Performance for Nitric Acid Plants, reporting requirements at 40 CFR § 60.73(e) and certain requirements of the General Provisions codified at 40 C.F.R. § 60.1 through § 60.19. Since PCS violated 40 C.F.R. Part 60, it also violated Title I, Section 111 of the CAA which requires compliance with Standards of Performance promulgated in accordance with this Section.

40 C.F.R. § 52.23 states that "failure to comply with any provision of this part, or with any approved regulatory provision of a State implementation plan, or with any permit condition ... shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act". Section 113 of the CAA gives us several enforcement options to resolve these violations, including: 1) issuing an Administrative Compliance Order, 2) issuing an Administrative Penalty Order, 3) bringing a Judicial Civil action, and/or 4) bringing a Judicial Criminal Action. Section 113 of the CAA provides you the opportunity to request a conference with EPA to discuss the violations alleged in the NOV/FOV. This conference provides you a chance to present information on the identified violations, any efforts taken to comply and the steps you will take to prevent future violations., Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Kevin Vuilleumier. You may call him at (312) 886-6188 if you wish to request a conference. A conference should be requested within 10 days from receipt of this notice. A conference should be held within 30-days following receipt of this notice.

EPA hopes that this NOV/FOV will encourage PCS's compliance with the requirements of the CAA.

Sincerely yours,

Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, OEPA
Don Waltermeyer, OEPA-NWDO

United States Environmental Protection Agency
Region 5

IN THE MATTER OF: PCS Nitrogen Ohio, L.P. Lima, Ohio INEOS USA, LLC Lima, Ohio Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 et seq.	)	NOTICE OF VIOLATION and FINDING OF VIOLATION EPA-5-08-OH-10

NOTICE OF VIOLATION AND FINDING OF VIOLATIONS

PCS Nitrogen Ohio, L.P. owns a nitric acid manufacturing plant at 1900 Fort Amanda Road, Lima, Ohio (facility). PCS Nitrogen Ohio, L.P. and INEOS USA, LLC (PCS or you) are operators of the facility. The nitric acid manufacturing plant was constructed in 1991-1992 and is identified as a 400 tons-acid/day nitric acid plant #2 (nitric acid plant #2) in PCS's Permit to Install (PTI) 03-5319 and Title V permit 03-02-02-0015.

U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV) to you as notification that we find the following violations at nitric acid plant #2. The violations cited occurred during calendar years 2004 through 2007, and are violations of the Ohio State Implementation Plan (Ohio SIP), the Clean Air Act (CAA) and its implementing regulations:

1) Nitrogen oxide (NO_X) emissions from nitric acid plant #2 exceeded limits specified in PCS's Title V permit, and PCS's PTI issued in accordance with the Ohio State Implementation Plan (Ohio SIP).

2) PCS failed to operate nitric acid plant #2 and associated air pollution control devices in a manner consistent with good air pollution control practices to minimize emissions.

3) PCS had excessive downtime of its NO_X continuous emission monitoring system (NO_X CEMS).

4) PCS failed to report all emissions which exceeded limits established by the Standards of Performance for Nitric Acid Plants, including those occurring during start-up, shut-down, and/or malfunction.

5) Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. This conference provides you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

6) The Ohio SIP, at Ohio Administrative Code Rule (OAC Rule) 3745-31-02, requires owners or operators of an air emissions source to obtain a permit to install (PTI) prior to construction of a new or modified air emission source. It also requires the Director of the Ohio Environmental Protection Agency (OEPA) to act on such a PTI in accordance with OAC Rule 3745-31-05. It also requires the transferee of any PTI to accept the responsibilities of the original permit holder-transferor. This rule was revised with a Federal effective date of March 10, 2003 (68 Federal Register 2909).

7) The Standards of Performance for Nitric Acid Plants, 40 C.F.R. § 60.70 et.seq., establishes a NO_X emission limit on each nitric acid production unit subject to the standard. This rule was promulgated June 14, 1974, sets an allowable emission limit of 3.0 lbs-NO_X/ton-acid, and is applicable to nitric acid plant #2. The Standards of Performance for Nitric Acid Plants at 40 C.F.R. § 60.73(e) states that "For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as any 3-hour period during which the average nitrogen oxides emissions (arithmetic average of three contiguous 1-hour periods) as measured by a continuous monitoring system exceed the standard at § 60.72(a)."

8) The general provisions at 40 C.F.R. § 60.11(d) provide that: "At all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practical, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator...."

9) The general provisions at 40 C.F.R. § 60.13(e) provides that: "Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements...."

10) The general provisions at 40 C.F.R. § 60.13(h) provides, in general, owners and operators of all continuous monitoring systems other than opacity must reduce all data to one-hour averages. It further provides that all excess emissions shall be converted to units of the standard using the applicable conversion procedures specified in subparts.

11) OEPA issued an initial PTI 03-5319 on July 17, 1991, to PCS. This permit allowed the construction of a 400 tons-acid/day nitric acid plant #2. This PTI included emission limits which did not exclude start-up/shut-down/malfunction events. OEPA issued a final Title V permit 03-02-02-0015 on March 15, 2004 which included requirements applicable to nitric acid plant #2. This Title V permit included emission limits which did not exclude start-up/shut-down/ malfunction events.

12) OEPA issued a modified PTI Number 03-5319 on November 25, 2005 for nitric acid plant #2. The permit modification was described as an "Administrative modification to PTI #03-5319 issued on July 17, 1991 to include startup and shutdown emissions". OEPA also issued a modified Title V permit 03-02-02-0015 on November 25, 2005 for nitric acid plant #2. The modified PTI and modified Title V permit each include relaxations of the original emission limits by incorporating the following:

a) An allowance for 28 start-up and 28 shut-down events on a rolling 12-month period.
b) The original emission limits of 23.2 lbs NO_X/hour and 101.6 tons NO_X per year while adding language which says "excluding start-up and shut-down periods".
c) The original 1.4 lbs NO_X/ton of acid produced while adding language which says "excluding start-up and shut-down periods".
d) Additional language and an additional NO_X emission limit as follows: "From startup and shutdown periods: 21.0 tons NO_X per rolling 12-month period". This relaxation increases the allowable annual NO_X emissions by 21.0 tons per year.
e) A definition of start-up and shut-down which includes "all periods of time when the reactor gauze temperature..." is below 1700° F while bringing the unit online and 1200° F while bringing the unit offline.

13) The following emission limits apply to nitric acid plant #2 prior to the issuance of the November 25, 2005 permit modifications.

a) 3.0 lbs-NO_X/ton-acid; 40 CFR § 60.72(a), Title V, PTI
b) 1.4 lbs-NO_X/ton-acid; Title V, PTI, OAC Rule 3745-31-05(A)(3)
c) 23.2 lbs-NO_X/hour; Title V, PTI, OAC Rule 3745-31-05(A)(3)
d) 101.6 tons per year NO_X; Title V, OAC Rule 3745-31-05(A)(3)

14) The following emission limits apply to nitric acid plant #2 after the issuance of the November 25, 2005 permit modification and emission limit relaxations.
   a) 3.0 lbs-NO_X/ton-acid; 40 CFR § 60.72(a), Title V, PTI
   b) 1.4 lbs-NO_X/ton-acid (excluding startup and shutdown periods); Title V, PTI, OAC Rule 3745-31-05(A)(3)
   c) 23.2 lbs-NO_X/hour (excluding startup and shutdown periods); Title V, PTI, OAC Rule 3745-31-05(A)(3)
   d) 101.6 tons per year NO_X (excluding startup and shutdown periods); Title V, PTI, OAC Rule 3745-31-05(A)(3)
   e) 21.0 tons NO_X per year per rolling 12-month period from startup and shutdown periods; Title V, PTI, OAC Rule 3745-31-05(A)(3)
   f) 28 startups and 28 shutdowns maximum per rolling 12-month period; Title V, PTI, OAC Rule 3745-31-05(A)(3)

15) PCS submitted a response to a Request for Information EPA issued in accordance with Section 114 of the CAA. PCS stated, or included documentation which stated, the following as part of the response:
   a) Start-up/shut-down "...typically takes a few hours or less ... Usually all operating parameters are stable within 1-2 hours, although if there are "trips" during startup, the procedure must start over from the beginning and therefore takes longer (up to 4 hours)."
   b) "The 01/13/2006 [shut-down/start-up] event was one of several SU events that occurred during the 2006 reporting year, but the only one that resulted in excess emissions. ...all successive SUs since this event were performed without any excess emissions occurring, according to the terms of the modified PTI."
   c) "Also, after the PTI was modified November 25, 2005, emissions during defined SU and SD events were no longer considered "excess" for the purpose of reporting. Therefore, except for the SU from the first gauze change in 2006, there were no excess emissions to summarize in this response for 2006 SU/SD events."
   d) A table identifying 38 start-up/shut-down events occurring through November 11, 2006. Graphics associated with each of these start-up/shut-down events which show NO_X concentrations exceeding the limit established at 40 C.F.R. § 60.72(a).
   e) "However, the CEM does have a direct readout that unit operators have observed to peak as high as 4000 ppm during startups and shutdowns, with more usual values around 1500 to 2500 ppm."
   f) The SCR is designed to handle "tail gas: ... containing small amounts of water, oxygen and 500 ppm of NO_X." The function of the SCR is "To selectively reduce oxides of nitrogen to less than 50 ppm in the tail gas."
   g) PCS indicated it maintains NO_X concentrations in the exhaust stack under 81 ppm.
   h) "The SCR is directly connected to the process ... it cannot begin reducing NO_X until it has been heated by process gas to the proper temperature at which ammonia can be added and the NO_X reduction reaction can begin."

16) EPA has determined that NO_X emissions from nitric acid plant #2 exceeded the applicable emission limits identified in paragraphs 13 and/or 14 above. This determination is based on an evaluation of quarterly excess emission reports PCS certified and submitted to OEPA for the 2004-2007 reporting years. Summaries of the excess emissions are provided in Table 1 and Table 2. A quarterly breakdown of these excess emissions is included as **Attachment A** to this NOV/FOV. This review also identified numerous instances where actual NO_X ppm emission measurements exceeded 500 ppm during periods identified as start-up and/or shut-down events by PCS.

Table 1: Total Excess Emissions, Unplanned Events, 2004-2007 reporting years from nitric acid plant #2 (current process ID P570)

Years	Process ID	Emission Limit	Description of Violation
2004-2007	P570	3.0 lbs-NO_X/ton-acid	9,060 minutes of NO_X excess emissions
2004-2007	P570	1.4 lbs-NO_X/ton-acid	13,140 minutes of NO_X excess emissions
2004-2007	P570	23.2 lbs-NO_X/hour	11,220 minutes of NO_X excess emissions

NOTE: These totals are based only on those events reported during "unplanned" events within the excess emission reports reviewed.

Table 2: Total Excess Emissions, Planned or Unplanned Events, 2004-2007 reporting years from nitric acid plant #2 (current process ID P570)

Years	Process ID	Emission Limit	Description of Violation
2004-2007	P570	3.0 lbs-NO_X/ton-acid	16,140 minutes of NO_X excess emissions
2004-2007	P570	1.4 lbs-NO_X/ton-acid	23,880 minutes of NO_X excess emissions
2004-2007	P570	23.2 lbs-NO_X/hour	18,480 minutes of NO_X excess emissions

NOTE: These totals are based on those events reported during "planned" or "unplanned" events within the excess emission reports reviewed.

17) NO_X emissions from nitric acid plant #2 in excess of applicable emission limits, prior to the issuance of revised Title V and PTI permits on November 25, 2005, are violations of:

a) PCS's Title V Permit 03-02-02-0015, and
b) PCS's Permit to Install 03-5319

18) PCS failed to maintain and operate nitric acid plant #2 and associated air pollution control equipment in a manner consistent with good air pollution control practice to minimize emissions at all times including periods of start-up, shut-down and malfunction between 2004 and 2007, in part, as follows.

a) PCS did not operate the SCR in accordance with SOPs and the SCR's design.
b) PCS did not operate the SCR during periods of start-up, shut-down and/or malfunctions
c) PCS failed to minimize the length of time for start-up and/or shut-down.

d) PCS failed to implement alternative operational practices which could have prevented certain start-up, shut-down and/or malfunction events.

This is a violation of 40 C.F.R. § 60.11(d).

19) EPA evaluated quarterly excess emission reports PCS certified and submitted to OEPA for the 2004-2007 reporting years as well as additional data obtained from OEPA. According to those reports, monitor downtime was 62,941 minutes. This total does not include downtime reported as quality assurance/calibration, downtime reported as installation of a new NO_X CEMS and certain other reported events which may fall under the provisions of 40 C.F.R. § 60.13(e) as system breakdowns, repairs, calibration checks, and zero and span adjustments required at 40 C.F.R. § 60.13(d) (14,487 minutes, in total). A quarterly breakdown of monitor downtime is included as **Attachment B** to this NOV/FOV. EPA has determined that 62,941 minutes of monitor downtime is excessive for the 2004 through 2007 time period and does not fall under the provisions of 40 C.F.R. § 60.13(e).

20) PCS's failure to continuously operate the nitric acid plant #2 NO_X CEMS for the 2004-2007 reporting years is a violation of 40 C.F.R. § 60.13(e).

21) EPA evaluated the PCS's response to a 114 Request for Information and determined that PCS failed to report all emissions (including those occurring during start-up, shut-down and/or malfunction) in excess of the applicable limit at 40 C.F.R. § 60.72(a) in its 2006 quarterly excess emissions reports.

22) PCS's failure to report emissions which exceeded applicable limits of 40 C.F.R. § 60.72(a)(1) in, at least, its 2006 quarterly excess emissions reports is a violation of 40 C.F.R. § 60.73(e).

23) The violations identified in paragraphs 16 through 22 are, inherently, also violations of the CAA and its implementing regulations, including sections 110, 111(e), and/or 502(a) of the CAA and 40 C.F.R. § 70.7(b).

Environmental Impact of Violations

24) EPA evaluated the total number of startup/shutdown events reported in excess emission reports (EERs) PCS certified and submitted to OEPA for the 2004-2007 reporting years to help identify the environmental impact of the violations identified in paragraphs 16 through 22. Table 3 provides a summary of the total number of "planned" and "unplanned" startup/shutdown events reported for the 2004-2007 reporting year EERs, separated by year. A quarterly summary of these events is provided as **Attachment C** to this NOV/FOV.

Table 3: Total Reported Startup/Shutdown Events, 2004-2007 Reporting Year from nitric acid plant #2 (current process ID P570)

Unit	Year	Number of Reported Events
P570	2004	21
P570	2005	26
P570*	2006	38
P570*	2007	undetermined
4-Year Total	**2004-2007**	**85**

*NOTE: EPA currently does not have information on start-up/shut-down events after November 17, 2006.

25) Violations of NO_X standards increase the amount of acid rain and ground level ozone, which could cause respiratory inflammation. NO_X is also a precursor to the formation of fine particulate matter. The formation of fine particulate matter can further exacerbate respiratory problems, lung damage and lead to premature death.

26) EPA evaluated the total excess emissions reported in excess emission reports PCS certified and submitted to OEPA for the 2004-2007 reporting years to help identify the environmental impact of the violations identified in paragraphs 16 through 22. Table 4 provides a summary of the total pounds of excess emissions reported for the 2004-2007 reporting year, separated by year.

Table 4: Total Amount of Excess NO_X Emissions for "Planned" and "Unplanned" Events from nitric acid plant #2 (current process ID P570)

Unit	Year	Total Excess NO_X (Pounds)
P570	2004	3,551
P570	2005	5,554
P570*	2006	4,444
P570*	2007	Undetermined
4-Year Total	2004-2007	13,546

*NOTE: PCS reported no excess emissions after 1st quarter 2006 as PCS considers emissions as "excess" only when such emissions occur and nitric acid plant #2 is neither starting-up nor shutting-down as defined in its Title V permit and its PTI.

3/31/08
Date

Cheryl L. Newton, Acting Director
Air and Radiation Division

ATTACHMENT A

Quarter/ year	Planned				Unplanned					% Excess Emissions		
	PTI lb/hr	PTI lb/ton	NSPS lb/ton	Max. Total Planned	PTI lb/hr	PTI lb/ton	lb/ton NSPS	Max Total Unplanned	Total Minutes reported*	Operating Time (Minutes)	Percent Planned Excess	Percent Unplanned Excess
Q1-2004	1,260	1,260	1,260	1,260	480	480	480	480	1,740	123,720	1.02%	0.39%
Q2-2004	180	1,320	720	1,320	1,200	1,320	1,020	1,320	1,560	128,084	1.03%	1.03%
Q3-2004	840	1,260	900	1,260	300	720	240	720	1,140	130,980	0.96%	0.55%
Q4-2004	420	720	360	720	2,400	2,700	2,040	2,700	2,520	129,720	0.56%	2.08%
Q1-2005	540	600	540	600	300	540	240	540	780	128,700	0.47%	0.42%
Q2-2005	1,260	1,560	900	1,560	1,680	1,980	1,380	1,980	2,280	125,490	1.24%	1.58%
Q3-2005	1,440	1,440	1,020	1,440	1,200	1,320	600	1,320	2,340	130,260	1.11%	1.01%
Q4-2005	1,320	2,580	1,380	2,580	3,420	3,840	2,820	3,840	5,700	116,430	2.22%	3.30%
Q1-2006	0	0	0	0	240	240	240	240	360	122,280	0.00%	0.20%
Q2-2006	0	0	0	0	0	0	0	0	0	128,580	0.00%	0.00%
Q3-2006												
Q4-2006												
Q1-2007	0	0	0	0	0	0	0	0	0	123,840	0.00%	0.00%
Q2-2007	0	0	0	0	0	0	0	0	0	126,780	0.00%	0.00%
Q3-2007	0	0	0	0	0	0	0	0	0	130,380	0.00%	0.00%
Q4-2007	0	0	0	0	0	0	0	0	0	129,480	0.00%	0.00%
Totals	**7,260**	**10,740**	**7,080**	**10,740**	**11,220**	**13,140**	**9,060**	**13,140**	**18,420**			

* NOTE: This column represents the minutes actually reported in the EER summary table submitted by PCS

ATTACHMENT B

	Causes of Monitor Downtime					Totals		% Excess Emissions		
Quarter/ year	Monitor Equip. Malf.	Non-monitor Equip Malf.	QA/QC; Calib.	Other Known Causes	Unknown Causes	Total Non-Exempt Minutes	Total Minutes reported*	Operating Time (Minutes)	Exempt Nox	Non-exempt Nox
Q1-2004	0	0	455	0	0	0	455	123,720	0.37%	0.00%
Q2-2004	2,880	0	537	120	0	3,000	3,537	128,084	0.42%	2.34%
Q3-2004	8,340	0	0	30	0	8,370	8,370	130,980	0.00%	6.39%
Q4-2004	12,726	0	168	294	0	13,020	13,188	129,720	0.13%	10.04%
Q1-2005	2,922	366	0	174	0	3,462	3,462	128,700	0.00%	2.69%
Q2-2005	50	0	83	148	0	198	281	125,490	0.07%	0.16%
Q3-2005	2,937	0	106	272	0	3,209	3,315	130,260	0.08%	2.46%
Q4-2005	2,964	0	60	342	0	3,306	3,366	116,430	0.05%	2.84%
Q1-2006	0	0	0	126	0	126	126	122,280	0.00%	0.10%
Q2-2006	0	0	0	36	0	36	36	128,580	0.00%	0.03%
Q3-2006										
Q4-2006										
Q1-2007	29,520	0	66	186	0	29,706	29,772	123,840	0.05%	23.99%
Q2-2007	0	0	0	0	0	0	0	126,780	0.00%	0.00%
Q3-2007	0	0	0	11,520	0	11,520	11,520	130,380	0.00%	8.84%
Q4-2007	0	0	0	0	0	0	0	129,480	0.00%	0.00%
Totals	**62,339**	**366**	**1,475**	**13,248**	**0**	**75,953**	**77,428**			

* NOTE: This column represents the minutes actually reported in the EER summary tables submitted by PCS

ATTACHMENT C

Quarter/ year	Unplanned Events	Planned Events	Other*	Total Events Reported	Total Events in NOV/FOV
Q1-2004	1	3	0	4	4
Q2-2004	4	3	2	9	7
Q3-2004	2	2	2	6	4
Q4-2004	5	1	3	9	6
Q1-2005	1	1	0	2	2
Q2-2005	4	3	1	8	7
Q3-2005	2	3	0	5	5
Q4-2005	6	6	0	12	12
Q1-2006	6	0	0	6	6
Q2-2006	12	0	0	12	12
Q3-2006	14	0	0	14	14
Q4-2006	6	0	0	6	6
Q1-2007	0	0	0	0	0
Q2-2007	0	0	0	0	0
Q3-2007	0	0	0	0	0
Q4-2007	0	0	0	0	0
Totals	**63**	**22**	**8**	**93**	**85**

* NOTE: This category is not included in total events cited in NOV/FOV.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-08-OH-10, by Certified Mail, Return Receipt Requested, to:

Mr. Jean L. Phaneuf
Site Director for INEOS USA LLC and
Agent for PCS Nitrogen
PCS Nitrogen Ohio, L.P.
1900 Fort Amanda Road
P.O. Box 628
Lima, Ohio 45802-0628

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Robert Hodanbosi , Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Donald Waltermeyer
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402

On the 31 day of March, 2008

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0187 7031